- (c) Notice requirement. To meet the requirements of paragraph (b) of this section, an automated teller machine operator must comply with the following:
- (1) On the machine. Post in a prominent and conspicuous location on or at the automated teller machine a notice that:
 - (i) A fee will be imposed for providing electronic fund transfer services or for a balance inquiry; or
 - (ii) A fee may be imposed for providing electronic fund transfer services or for a balance inquiry, but the notice in this paragraph (c)(1)(ii) may be substituted for the notice in paragraph (c)(1)(i) only if there are circumstances under which a fee will not be imposed for such services; and
- (2) Screen or paper notice. Provide the notice required by paragraphs (b)(1) and (b)(2) of this section either by showing it on the screen of the automated teller machine or by providing it on paper, before the consumer is committed to paying a fee.
- (d) Temporary exemption. Through December 31, 2004, the notice requirement in paragraph (c)(2) of this section does not apply to any automated teller machine that lacks the technical capability to provide such information.
- (e) Imposition of fee. An automated teller machine operator may impose a fee on a consumer for initiating an electronic fund transfer or a balance inquiry only if
- (1) The consumer is provided the notices required under paragraph (c) of this section, and
- (2) The consumer elects to continue the transaction or inquiry after receiving such notices.

Official Staff Commentary: 12 CFR 205.16

Section 205.16 —Disclosures at Automated Teller Machines 16(b) General Paragraph 16(b)(1)1. Specific notices. An ATM operator that imposes a fee for a specific type of transaction —such as for a cash withdrawal, but not for a balance inquiry, or for some cash withdrawals, but not for others (such as where the card was issued by a foreign bank or by a card issuer that has entered into a special contractual relationship with the ATM operator regarding surcharges) —may provide a notice on or at the ATM that a fee will be imposed or a notice that a fee may be imposed for providing EFT services or may specify the type of EFT for which a fee is imposed. If, however, a fee will be imposed in all instances, the notice must state that a fee will be imposed.

O. Tom Thomas

Managing Principal/CEO
TCA, Inc.
2846 N. Mildred Ave. Suite 150
Chicago, IL 60657

800-934-7347 773-525-8507 (Fax) www.tcaregs.com

CONFIDENTIALITY NOTE: This communication and any attachments included herein contain information that belongs to THOMAS COMPLIANCE ASSOCIATES, INC., that may be confidential, legally privileged and/or a trade secret. Its unauthorized disclosure, copying or distribution is strictly prohibited. If you have received this communication in error please delete or destroy it and notify the sender immediately. THOMAS COMPLIANCE ASSOCIATES, INC., will not be liable for any damages resulting from any notification or faisification of an e-mail that is originated by us.

Moreover, although precautions have been taken to ensure that the data included herein is free from viruses or other malicious content, we cannot assure that such is indeed the case and disclaim any responsibility attributable thereto.

Will do! It will take about a week to a week and a half.

Holli Mathews
Sales and Marketing Executive
P: 801-975-8860 ext. 122

F: 801-975-8863 www.ataservices.com

From: Brett Sand [mailto:bsand@dbdiamond.com]

Sent: Tuesday, December 11, 2007 8:53 AM

To: Holli Mathews

Subject: RE: Fee Notice Art and Pricing

Ok. Please go ahead with the order.

Thank you!

Brett D. Sand Special Projects Coordinator Diamond Bank, FSB 100 W. North Avenue Chicago, IL 60610 312.649.5006 tel 312.523.5163 cell 312.664.4289 fax bsand@dbdiamond.com

diamondbank

This e-mail transmission contains information that is confidential and may be privileged. It is intended only for the addressee(s) named above. If you receive this e-mail in error, please do not read, copy or disseminate it in any manner. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this information is prohibited. Please reply to the message immediately by informing the sender that the message was misdirected. After replying, please erase it from your computer system. Your assistance in correcting this error is appreciated.

From: Holli Mathews [mailto:hmathews@ataservices.com]

Sent: Tuesday, December 11, 2007 9:51 AM

To: Brett Sand

Subject: RE: Fee Notice Art and Pricing

Oh good. Qty 3 will change the price to 21.08 each.

Holli Mathews
Sales and Marketing Executive
P: 801-975-8860 ext, 122

F: 801-975-8863 www.ataservices.com

From: Brett Sand [mailto:bsand@dbdiamond.com]
Sent: Tuesday, December 11, 2007 8:26 AM

To: Holli Mathews

Subject: RE: Fee Notice Art and Pricing

That looks great; however, I will only need three of these stickers. Will that affect cost much?

Brett D. Sand

Special Projects Coordinator Diamond Bank, FSB 100 W. North Avenue Chicago, IL 60610 312.649.5006 tel 312.523.5163 cell 312.664.4289 fax bsand@dbdiamond.com

diemondbank

This e-mall transmission contains information that is confidential and may be privileged. It is intended only for the addressee(s) named above. If you receive this e-mail in error, please do not read, copy or disseminate it in any manner. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this information is prohibited. Please reply to the message immediately by informing the sender that the message was misdirected. After replying, please erase it from your computer system. Your assistance in correcting this error is appreciated.

From: Holli Mathews [mailto:hmathews@ataservices.com]

Sent: Tuesday, December 11, 2007 9:24 AM

To: Brett Sand

Subject: RE: Fee Notice Art and Pricing

Beautiful! How about this? How many do you need? 5? It would be \$15.04/each for 5. Let me know.

Thanks,

Holli Mathews

Sales and Marketing Executive

P: 801-975-8860 ext. 122

F: 801-975-8863 www.ataservices.com

From: Brett Sand [mailto:bsand@dbdiamond.com]

Sent: Tuesday, December 11, 2007 7:48 AM

To: Holli Mathews

Subject: RE: Fee Notice Art and Pricing

I had a great time. Thank you.

I have attached one of our logo files that contain three separate options that could be used. I would prefer the top one, but whatever works with the space we have.

Thanks!

Brett D. Sand Special Projects Coordinator Diamond Bank, FSB 100 W. North Avenue Chicago, IL 60610 312.649.5006 tel 312.523.5163 cell 312.664.4289 fax bsand@dbdiamond.com



This e-mail transmission contains information that is confidential and may be privileged. It is intended only for the

addressee(s) named above. If you receive this e-mail in error, please do not read, copy or disseminate it in any manner. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this information is prohibited. Please reply to the message immediately by informing the sender that the message was misdirected. After replying, please erase it from your computer system. Your assistance in correcting this error is appreciated.

From: Holli Mathews [mailto:hmathews@ataservices.com]

Sent: Tuesday, December 11, 2007 8:41 AM

To: Brett Sand

Subject: RE: Fee Notice Art and Pricing

Hi Brett!

Hope you had a nice time.

Sure, would you like to put your logo? Let me know, I just need an Adobe Illustrator file or and EPS file.

Thanks,

Holli Mathews
Sales and Marketing Executive
P: 801-975-8860 ext. 122
E: 801-075-8860

F: 801-975-8863 www.ataservices.com

From: Brett Sand [mailto:bsand@dbdiamond.com]
Sent: Monday, December 10, 2007 12:23 PM

To: Holli Mathews

Subject: RE: Fee Notice Art and Pricing

Hi Holli,

I am sorry I was unable to get back to you earlier, but I was away on vacation.

I like the vertical style the best. Is there any way to add "Diamond Bank" to the top?

Brett D. Sand Special Projects Coordinator Diamond Bank, FSB 100 W. North Avenue Chicago, IL 60610 312.649.5006 tel 312.523.5163 cell 312.664.4289 fax bsand@dbdiamond.com

diemond bank

This e-mail transmission contains information that is confidential and may be privileged. It is intended only for the addressee(s) named above. If you receive this e-mail in error, please do not read, copy or disseminate it in any manner. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this information is prohibited. Please reply to the message immediately by informing the sender that the message was misdirected. After replying, please erase it from your computer system. Your assistance in correcting this error is appreciated.

From: Holli Mathews [mailto:hmathews@ataservices.com]

Sent: Friday, November 30, 2007 3:14 PM

Case 1:07-cv-06403 Document 73-9 Filed 09/15/2008 Page 6 of 58 Page 4 of 7

To: Brett Sand

Subject: RE: Fee Notice Art and Pricing

Here are a few ideas on size. Let me know what you think.

Holii Mathews

Sales and Marketing Executive

P: 801-975-8860 ext. 122

F: 801-975-8863 www.ataservices.com

From: Brett Sand [mailto:bsand@dbdiamond.com]
Sent: Thursday, November 29, 2007 9:54 AM

To: Holli Mathews

Subject: RE: Fee Notice Art and Pricing

Holli.

I forgot to mention earlier, but please make this new sticker smaller than the fee notice. Perhaps, the same height but thinner.

Thanks.

Brett D. Sand Special Projects Coordinator Diamond Bank, FSB 100 W. North Avenue Chicago, IL 60610 312.649.5006 tel 312.523.5163 cell 312.664.4289 fax bsand@dbdiamond.com

diemond bank

This e-mail transmission contains information that is confidential and may be privileged. It is intended only for the addressee(s) named above. If you receive this e-mail in error, please do not read, copy or disseminate it in any manner. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this information is prohibited. Please reply to the message immediately by informing the sender that the message was misdirected. After replying, please erase it from your computer system. Your assistance in correcting this error is appreciated.

From: Holli Mathews [mailto:hmathews@ataservices.com]

Sent: Wednesday, November 28, 2007 3:34 PM

To: Brett Sand

Subject: RE: Fee Notice Art and Pricing

This is great news! Let me put the rendering together. I'll be back with you shortly.

Holli Mathews
Sales and Marketing Executive
P: 801-975-8860 ext, 122
F: 801-975-8863

www.ataservices.com

From: Brett Sand [mailto:bsand@dbdiamond.com]
Sent: Tuesday, November 27, 2007 3:56 PM

To: Holli Mathews

Subject: RE: Fee Notice Art and Pricing

Holli.

I just received an email confirming shipment of the ATM decals. Thank you very much for your assistance!

I have another request I was hoping you could assist with. There is a second sticker I would like to order. The information is below:

Availability of Deposit

Funds from deposits may not be available for immediate withdrawal. Please refer to your institution's rules governing funds availability for details.

If you could please send me a proof, I would appreciate it. Thanks!

Brett D. Sand Special Projects Coordinator Diamond Bank, FSB 100 W. North Avenue Chicago, IL 60610 312.649.5006 tel 312.523.5163 cell 312.664.4289 fax bsand@dbdiamond.com

cib diamond bank

This e-mail transmission contains information that is confidential and may be privileged. It is intended only for the addressee(s) named above. If you receive this e-mail in error, please do not read, copy or disseminate it in any manner. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this information is prohibited. Please reply to the message immediately by informing the sender that the message was misdirected. After replying, please erase it from your computer system. Your assistance in correcting this error is appreciated.

From: Holli Mathews [mailto:hmathews@ataservices.com]

Sent: Tuesday, November 27, 2007 2:53 PM

To: Brett Sand

Subject: RE: Fee Notice Art and Pricing

Perfect. I just submitted the order. Thanks so much!

Holli Mathews
Sales and Marketing Executive
P: 801-975-8860 ext. 122

F: 801-975-8863 www.ataservices.com

From: Brett Sand [mailto:bsand@dbdiamond.com]

Sent: Tuesday, November 27, 2007 1:38 PM

To: Holli Mathews

Subject: RE: Fee Notice Art and Pricing

No problem at all. I'm just glad that we were able to catch it!

This looks perfect. Please go ahead and order these stickers and I will wait for the final copy to arrive when it is available.

Thank you

Brett D. Sand
Special Projects Coordinator
Diamond Bank, FSB
100 W. North Avenue
Chicago, IL 60610
312.649.5006 tel
312.523.5163 cell
312.664.4289 fax
bsand@dbdiamond.com



This e-mail transmission contains information that is confidential and may be privileged. It is intended only for the addressee(s) named above. If you receive this e-mail in error, please do not read, copy or disseminate it in any manner. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this information is prohibited. Please reply to the message immediately by informing the sender that the message was misdirected. After replying, please erase it from your computer system. Your assistance in correcting this error is appreciated.

From: Holli Mathews [mailto:hmathews@ataservices.com]

Sent: Tuesday, November 27, 2007 2:36 PM

To: Brett Sand

Subject: RE: Fee Notice Art and Pricing

Well I am a little embarrassed!

Here is an updated rendering. I checked with our manufacturing dept, and we can get these made and sent out pretty quickly. We could 2-day it which will not affect pricing on the shipping much at all.

Holii Mathews
Sales and Marketing Executive
P: 801-975-8860 ext. 122
F: 801-975-8863
www.ataservices.com

From: Brett Sand [mailto:bsand@dbdiamond.com]
Sent: Tuesday, November 27, 2007 12:44 PM

To: Holli Mathews

Subject: RE: Fee Notice Art and Pricing

Importance: High

Holli,

I just noticed that DIAMOND is misspelled. Please make this correct on the final copies.

Thank you

Brett D. Sand Special Projects Coordinator Diamond Bank, FSB 100 W. North Avenue Chicago, IL 60610 312.649.5006 tel 312.523.5163 cell 312.664.4289 fax bsand@dbdiamond.com



This e-mail transmission contains information that is confidential and may be privileged. It is intended only for the addressee(s) named above. If you receive this e-mail in error, please do not read, copy or disseminate it in any manner. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this information is prohibited. Please reply to the message immediately by informing the sender that the message was misdirected. After replying, please erase it from your computer system. Your assistance in correcting this error is appreciated.

From: Holli Mathews [mailto:hmathews@ataservices.com]

Sent: Monday, November 26, 2007 3:40 PM

To: Brett Sand

Subject: Fee Notice Art and Pricing

Hi Brett,

Here is the layout for the fee notices I promised you last week. (Sorry I'm late!) If you want to change any of the verblage, just let me know.

Thanks!

Holli Mathews
Sales and Marketing Executive
P: 801-975-8860 ext. 122

F: 801-975-8863 www.ataservices.com Oh good. Qty 3 will change the price to 21.08 each.

Holli Mathews

Sales and Marketing Executive

P: 801-975-8860 ext. 122

F: 801-975-8863 www.ataservices.com

From: Brett Sand [mailto:bsand@dbdiamond.com]

Sent: Tuesday, December 11, 2007 8:26 AM

To: Holli Mathews

Subject: RE: Fee Notice Art and Pricing

That looks great; however, I will only need three of these stickers. Will that affect cost much?

Brett D. Sand Special Projects Coordinator Diamond Bank, FSB 100 W. North Avenue Chicago, IL 60610 312.649.5006 tel 312.523.5163 cell 312.664.4289 fax bsand@dbdiamond.com

Ciamond bank

This e-mail transmission contains information that is confidential and may be privileged. It is intended only for the addressee(s) named above. If you receive this e-mail in error, please do not read, copy or disseminate it in any manner. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this information is prohibited. Please reply to the message immediately by informing the sender that the message was misdirected. After replying, please erase it from your computer system. Your assistance in correcting this error is appreciated.

From: Holli Mathews [mailto:hmathews@ataservices.com]

Sent: Tuesday, December 11, 2007 9:24 AM

To: Brett Sand

Subject: RE: Fee Notice Art and Pricing

Beautifull How about this? How many do you need? 5? It would be \$15.04/each for 5. Let me know.

Thanks,

Holli Mathews
Sales and Marketing Executive
P: 801-975-8860 ext. 122

F: 801-975-8863 <u>www.ataservices.com</u>

From: Brett Sand [mailto:bsand@dbdiamond.com]

Sent: Tuesday, December 11, 2007 7:48 AM

To: Holli Mathews

Subject: RE: Fee Notice Art and Pricing

I had a great time. Thank you.

I have attached one of our logo files that contain three separate options that could be used. I would prefer the top

one, but whatever works with the space we have.

Thanks!

Brett D. Sand Special Projects Coordinator Diamond Bank, FSB 100 W. North Avenue Chicago, IL 60610 312.649.5006 tel 312.523.5163 cell 312.664.4289 fax bsand@dbdiamond.com



This e-mail transmission contains information that is confidential and may be privileged. It is intended only for the addressee(s) named above. If you receive this e-mail in error, please do not read, copy or disseminate it in any manner. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this information is prohibited. Please reply to the message immediately by informing the sender that the message was misdirected. After replying, please erase it from your computer system. Your assistance in correcting this error is appreciated.

From: Holli Mathews [mailto:hmathews@ataservices.com]

Sent: Tuesday, December 11, 2007 8:41 AM

To: Brett Sand

Subject: RE: Fee Notice Art and Pricing

Hi Brett!

Hope you had a nice time.

Sure, would you like to put your logo? Let me know, I just need an Adobe Illustrator file or and EPS file.

Thanks,

Holli Mathews
Sales and Marketing Executive
P: 801-975-8860 ext. 122
F: 801-975-8863
www.ataservices.com

From: Brett Sand [mailto:bsand@dbdiamond.com]
Sent: Monday, December 10, 2007 12:23 PM

To: Holli Mathews

Subject: RE: Fee Notice Art and Pricing

Hi Holli.

I am sorry I was unable to get back to you earlier, but I was away on vacation.

Hike the vertical style the best. Is there any way to add "Diamond Bank" to the top?

Brett D. Sand Special Projects Coordinator Diamond Bank, FSB 100 W. North Avenue Chicago, IL 60610 312.649.5006 tel 312.523.5163 cell 312.664.4289 fax bsand@dbdiamond.com

diamond bank

This e-mail transmission contains information that is confidential and may be privileged. It is intended only for the addressee(s) named above. If you receive this e-mail in error, please do not read, copy or disseminate it in any manner. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this information is prohibited. Please reply to the message immediately by informing the sender that the message was misdirected. After replying, please erase it from your computer system. Your assistance in correcting this error is appreciated.

From: Holli Mathews [mallto:hmathews@ataservices.com]

Sent: Friday, November 30, 2007 3:14 PM

To: Brett Sand

Subject: RE: Fee Notice Art and Pricing

Here are a few ideas on size. Let me know what you think.

Holli Mathews
Sales and Marketing Executive
P: 801-975-8860 ext, 122

F: 801-975-8863 www.ataservices.com

From: Brett Sand [mailto:bsand@dbdiamond.com]
Sent: Thursday, November 29, 2007 9:54 AM

To: Holli Mathews

Subject: RE: Fee Notice Art and Pricing

Holli,

I forgot to mention earlier, but please make this new sticker smaller than the fee notice. Perhaps, the same height but thinner.

Thanks.

Brett D. Sand Special Projects Coordinator Diamond Bank, FSB 100 W. North Avenue Chicago, IL 60610 312.649.5006 tel 312.523.5163 cell 312.664.4289 fax bsand@dbdiamond.com

E - diamond bank

This e-mail transmission contains information that is confidential and may be privileged. It is intended only for the addressee(s) named above. If you receive this e-mail in error, please do not read, copy or disseminate it in any manner. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this information is prohibited. Please reply to the message immediately by informing the sender that the message was misdirected. After replying, please erase it from your computer system. Your assistance in correcting this error is appreciated.

From: Holli Mathews [mailto:hmathews@ataservices.com]

Sent: Wednesday, November 28, 2007 3:34 PM

To: Brett Sand

Subject: RE: Fee Notice Art and Pricing

This is great news! Let me put the rendering together. I'll be back with you shortly.

Holli Mathews

Sales and Marketing Executive

P: 801-975-8860 ext. 122 F: 801-975-8863

www.ataservices.com

From: Brett Sand [mailto:bsand@dbdiamond.com]
Sent: Tuesday, November 27, 2007 3:56 PM

To: Holli Mathews

Subject: RE: Fee Notice Art and Pricing

Holli.

I just received an email confirming shipment of the ATM decals. Thank you very much for your assistance!

I have another request I was hoping you could assist with. There is a second sticker I would like to order. The information is below:

Availability of Deposit

Funds from deposits may not be available for immediate withdrawal. Please refer to your institution's rules governing funds availability for details.

If you could please send me a proof, I would appreciate it. Thanks!

Brett D. Sand
Special Projects Coordinator
Diamond Bank, FSB
100 W. North Avenue
Chicago, IL 60610
312.649.5006 tel
312.523.5163 cell
312.664.4289 fax
bsand@dbdiamond.com

e diamond bank

This e-mail transmission contains information that is confidential and may be privileged. It is intended only for the addressee(s) named above. If you receive this e-mail in error, please do not read, copy or disseminate it in any manner. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this information is prohibited. Please reply to the message immediately by informing the sender that the message was misdirected. After replying, please erase it from your computer system. Your assistance in correcting this error is appreciated.

From: Holli Mathews [mailto:hmathews@ataservices.com]

Sent: Tuesday, November 27, 2007 2:53 PM

To: Brett Sand

Subject: RE: Fee Notice Art and Pricing

Perfect. I just submitted the order. Thanks so much!

Holli Mathews

Sales and Marketing Executive

P: 801-975-8860 ext. 122

F: 801-975-8863 www.ataservices.com

From: Brett Sand [mailto:bsand@dbdiamond.com]

Sent: Tuesday, November 27, 2007 1:38 PM

To: Holli Mathews

Subject: RE: Fee Notice Art and Pricing

No problem at all. I'm just glad that we were able to catch it!

This looks perfect. Please go ahead and order these stickers and I will wait for the final copy to arrive when it is available.

Thank you

Brett D. Sand Special Projects Coordinator Diamond Bank, FSB 100 W. North Avenue Chicago, IL 60610 312.649.5006 tel 312.523.5163 cell 312.664.4289 fax bsand@dbdiamond.com

diamond bank

This e-mail transmission contains information that is confidential and may be privileged. It is intended only for the addressee(s) named above. If you receive this e-mail in error, please do not read, copy or disseminate it in any manner. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this information is prohibited. Please reply to the message immediately by informing the sender that the message was misdirected. After replying, please erase it from your computer system. Your assistance in correcting this error is appreciated.

From: Holli Mathews [mailto:hmathews@ataservices.com]

Sent: Tuesday, November 27, 2007 2:36 PM

To: Brett Sand

Subject: RE: Fee Notice Art and Pricing

Well I am a little embarrassed!

Here is an updated rendering. I checked with our manufacturing dept, and we can get these made and sent out pretty quickly. We could 2-day it which will not affect pricing on the shipping much at all.

Holli Mathews

Sales and Marketing Executive

P: 801-975-8860 ext. 122

F: 801-975-8863

www.ataservices.com

From: Brett Sand [mailto:bsand@dbdiamond.com]

Sent: Tuesday, November 27, 2007 12:44 PM

To: Holli Mathews

Subject: RE: Fee Notice Art and Pricing

Importance: High

Holli,

I just noticed that DIAMOND is misspelled. Please make this correct on the final copies.

Thank you

Brett D. Sand Special Projects Coordinator Diamond Bank, FSB 100 W. North Avenue Chicago, IL 60610 312.649.5006 tel 312.523.5163 cell 312.664.4289 fax bsand@dbdiamond.com



This e-mall transmission contains information that is confidential and may be privileged. It is intended only for the addressee(s) named above. If you receive this e-mail in error, please do not read, copy or disseminate it in any manner. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this information is prohibited. Please reply to the message immediately by informing the sender that the message was misdirected. After replying, please erase it from your computer system. Your assistance in correcting this error is appreciated.

From: Holli Mathews [mailto:hmathews@ataservices.com]

Sent: Monday, November 26, 2007 3:40 PM

To: Brett Sand

Subject: Fee Notice Art and Pricing

Hi Brett,

Here is the layout for the fee notices I promised you last week. (Sorry I'm late!) If you want to change any of the verbiage, just let me know.

Thanksi

Holli Mathews
Sales and Marketing Executive
P: 801-975-8860 ext. 122
F: 801-975-8863
www.ataservices.com

Beautiful! How about this? How many do you need? 5? It would be \$15.04/each for 5. Let me know.

Thanks,

Holli Mathews
Sales and Marketing Executive
P: 801-975-8860 ext. 122
F: 801-975-8863

www.ataservices.com

From: Brett Sand [mailto:bsand@dbdiamond.com]
Sent: Tuesday, December 11, 2007 7:48 AM

To: Holli Mathews

Subject: RE: Fee Notice Art and Pricing

I had a great time. Thank you.

I have attached one of our logo files that contain three separate options that could be used. I would prefer the top one, but whatever works with the space we have.

Thanksl

Brett D. Sand Special Projects Coordinator Diamond Bank, FSB 100 W. North Avenue Chicago, IL 60610 312.649.5006 tel 312.523.5163 cell 312.664.4289 fax bsand@dbdiamond.com



diamond bank

This e-mail transmission contains information that is confidential and may be privileged. It is intended only for the addressee(s) named above. If you receive this e-mail in error, please do not read, copy or disseminate it in any manner. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this information is prohibited. Please reply to the message immediately by informing the sender that the message was misdirected. After replying, please erase it from your computer system. Your assistance in correcting this error is appreciated.

From: Holli Mathews [mailto:hmathews@ataservices.com]

Sent: Tuesday, December 11, 2007 8:41 AM

To: Brett Sand

Subject: RE: Fee Notice Art and Pricing

Hi Brett!

Hope you had a nice time.

Sure, would you like to put your logo? Let me know, I just need an Adobe Illustrator file or and EPS file.

Thanks,

Holli Mathews
Sales and Marketing Executive
P: 801-975-8860 ext. 122

F: 801-975-8863 www.ataservices.com

From: Brett Sand [mailto:bsand@dbdiamond.com] Sent: Monday, December 10, 2007 12:23 PM

To: Holli Mathews

Subject: RE: Fee Notice Art and Pricing

Hi Holli,

I am sorry I was unable to get back to you earlier, but I was away on vacation.

I like the vertical style the best. is there any way to add "Diamond Bank" to the top?

Brett D. Sand Special Projects Coordinator Diamond Bank, FSB 100 W. North Avenue Chicago, IL 60610 312.649.5006 tel 312.523.5163 cell 312.664.4289 fax bsand@dbdiamond.com

diamond bank

This e-mall transmission contains information that is confidential and may be privileged. It is intended only for the addressee(s) named above. If you receive this e-mail in error, please do not read, copy or disseminate it in any manner. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this Information is prohibited. Please reply to the message immediately by informing the sender that the message was misdirected. After replying, please erase it from your computer system. Your assistance in correcting this error is appreciated.

From: Holli Mathews [mailto:hmathews@ataservices.com]

Sent: Friday, November 30, 2007 3:14 PM

To: Brett Sand

Subject: RE: Fee Notice Art and Pricing

Here are a few ideas on size. Let me know what you think.

Holli Mathews

Sales and Marketing Executive

P: 801-975-8860 ext. 122

F: 801-975-8863

www.ataservices.com

From: Brett Sand [mailto:bsand@dbdiamond.com]

Sent: Thursday, November 29, 2007 9:54 AM

To: Holli Mathews

Subject: RE: Fee Notice Art and Pricing

Holli.

I forgot to mention earlier, but please make this new sticker smaller than the fee notice. Perhaps, the same height but thinner.

Thanks.

Brett D. Sand Special Projects Coordinator Diamond Bank, FSB 100 W. North Avenue Chicago, IL 60610 312.649.5006 tel 312.523.5163 cell 312.664.4289 fax bsand@dbdiamond.com



diamond bank

This e-mail transmission contains information that is confidential and may be privileged. It is intended only for the addressee(s) named above. If you receive this e-mail in error, please do not read, copy or disseminate it in any manner. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this Information is prohibited. Please reply to the message immediately by informing the sender that the message was misdirected. After replying, please erase it from your computer system. Your assistance in correcting this error is appreciated.

From: Holli Mathews [mailto:hmathews@ataservices.com]

Sent: Wednesday, November 28, 2007 3:34 PM

To: Brett Sand

Subject: RE: Fee Notice Art and Pricing

This is great news! Let me put the rendering together. I'll be back with you shortly.

Holli Mathews

Sales and Marketing Executive

P: 801-975-8860 ext. 122

F: 801-975-8863 www.ataservices.com

From: Brett Sand [mailto:bsand@dbdiamond.com]

Sent: Tuesday, November 27, 2007 3:56 PM

To: Holli Mathews

Subject: RE: Fee Notice Art and Pricing

Holli,

I just received an email confirming shipment of the ATM decals. Thank you very much for your assistance!

I have another request I was hoping you could assist with. There is a second sticker I would like to order. The information is below:

Availability of Deposit

Funds from deposits may not be available for immediate withdrawal. Please refer to your institution's rules governing funds availability for details.

If you could please send me a proof, I would appreciate it. Thanks!

Brett D. Sand Special Projects Coordinator Diamond Bank, FSB 100 W. North Avenue Chicago, IL 60610 312.649.5006 tel 312.523.5163 cell 312.664.4289 fax

Case 1:07-cv-06403 Document 73-9 Filed 09/15/2008 Page 19 of 58 Page 4 of 6

bsand@dbdjamond.com



This e-mail transmission contains information that is confidential and may be privileged. It is intended only for the addressee(s) named above. If you receive this e-mail in error, please do not read, copy or disseminate it in any manner. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this information is prohibited. Please reply to the message immediately by informing the sender that the message was misdirected. After replying, please erase it from your computer system. Your assistance in correcting this error is appreciated.

From: Holli Mathews [mailto:hmathews@ataservices.com]

Sent: Tuesday, November 27, 2007 2:53 PM

To: Brett Sand

Subject: RE: Fee Notice Art and Pricing

Perfect. I just submitted the order. Thanks so much!

Holii Mathews

Sales and Marketing Executive

P: 801-975-8860 ext. 122

F: 801-975-8863 www.ataservices.com

From: Brett Sand [mailto:bsand@dbdiamond.com]

Sent: Tuesday, November 27, 2007 1:38 PM

To: Holli Mathews

Subject: RE: Fee Notice Art and Pricing

No problem at all. I'm just glad that we were able to catch it!

This looks perfect. Please go ahead and order these stickers and I will wait for the final copy to arrive when it is available.

Thank you

Brett D. Sand
Special Projects Coordinator
Diamond Bank, FSB
100 W. North Avenue
Chicago, IL 60610
312.649.5006 tel
312.523.5163 cell
312.664.4289 fax
bsand@dbdiamond.com

d diamond bank

This e-mail transmission contains information that is confidential and may be privileged. It is intended only for the addressee(s) named above. If you receive this e-mail in error, please do not read, copy or disseminate it in any manner. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this information is prohibited. Please reply to the message immediately by informing the sender that the message was misdirected. After replying, please erase it from your computer system. Your assistance in correcting this error is appreciated.

From: Holli Mathews [mailto:hmathews@ataservices.com]

Sent: Tuesday, November 27, 2007 2:36 PM

To: Brett Sand

Subject: RE: Fee Notice Art and Pricing

Well I am a little embarrassed! @ Here is an updated rendering. I checked with our manufacturing dept, and we can get these made and sent out pretty quickly. We could 2-day it which will not affect pricing on the shipping much at all.

Holli Mathews

Sales and Marketing Executive

P: 801-975-8860 ext. 122

F: 801-975-8863 www.ataservices.com

From: Brett Sand [mailto:bsand@dbdiamond.com]

Sent: Tuesday, November 27, 2007 12:44 PM

To: Holli Mathews

Subject: RE: Fee Notice Art and Pricing

Importance: High

Holli.

I just noticed that DIAMOND is misspelled. Please make this correct on the final copies.

Thank you

Brett D. Sand Special Projects Coordinator Diamond Bank, FSB 100 W. North Avenue Chicago, IL 60610 312.649.5006 tel 312.523.5163 cell 312.664.4289 fax bsand@dbdiamond.com

diamond bank

This e-mail transmission contains information that is confidential and may be privileged. It is intended only for the addressee(s) named above. If you receive this e-mail in error, please do not read, copy or disseminate it in any manner. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this information is prohibited. Please reply to the message immediately by informing the sender that the message was misdirected. After replying, please erase it from your computer system. Your assistance in correcting this error is appreciated.

From: Holli Mathews [mailto:hmathews@ataservices.com]

Sent: Monday, November 26, 2007 3:40 PM

To: Brett Sand

Subject: Fee Notice Art and Pricing

Hi Brett,

Here is the layout for the fee notices I promised you last week. (Sorry I'm late!) If you want to change any of the verbiage, just let me know.

Thanks!

Holli Mathews

Sales and Marketing Executive
P: 801-975-8860 ext. 122
F: 801-975-8863
www.ataservices.com



Prepared For: Diamond Bank Date: December 11, 2007 Rendering Version: 2 Page 1 of 1

Description: 2.5"x4" Deposit Notice. Gold PMS 8643 and black on white.



AVAILABILITY OF DEPOSITS

Funds from deposits may not be available for immediate withdrawal. Please refer to your institution's rules governing funds availability for details.

If you have any questions about your rendering please call or email me and I will be available to answer any questions. If you would like to approve this right now, place your signature on the line below and FAX it back to 801.975.8863. Thank you.

APPROVAL

Holli Mathews
Sales and Marketing Executive
P: 801.975.8860 ext. 122
C: 801.703.3547
hmathews@ataservices.com

Hi Brett!

Hope you had a nice time.

Sure, would you like to put your logo? Let me know, I just need an Adobe Illustrator file or and EPS file.

Thanks,

Holli Mathews
Sales and Marketing Executive
P: 801-975-8860 ext. 122
F: 801-975-8863
www.ataservices.com

From: Brett Sand [mailto:bsand@dbdiamond.com]

Sent: Monday, December 10, 2007 12:23 PM

To: Holli Mathews

Subject: RE: Fee Notice Art and Pricing

Hi Holli,

I am sorry I was unable to get back to you earlier, but I was away on vacation.

I like the vertical style the best. Is there any way to add "Diamond Bank" to the top?

Brett D. Sand Special Projects Coordinator Diamond Bank, FSB 100 W. North Avenue Chicago, IL 60610 312.649.5006 tel 312.523.5163 cell 312.664.4289 fax bsand@dbdiamond.com

: S diamond bank

This e-mail transmission contains information that is confidential and may be privileged. It is intended only for the addressee(s) named above. If you receive this e-mail in error, please do not read, copy or disseminate it in any manner. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this information is prohibited. Please reply to the message immediately by informing the sender that the message was misdirected. After replying, please erase it from your computer system. Your assistance in correcting this error is appreciated.

From: Holli Mathews [mailto:hmathews@ataservices.com]

Sent: Friday, November 30, 2007 3:14 PM

To: Brett Sand

Subject: RE: Fee Notice Art and Pricing

Here are a few ideas on size. Let me know what you think.

Holli Mathews
Sales and Marketing Executive
P: 801-975-8860 ext. 122
F: 801-975-8863

www.ataservices.com

From: Brett Sand [mailto:bsand@dbdiamond.com] Sent: Thursday, November 29, 2007 9:54 AM

To: Holli Mathews

Subject: RE: Fee Notice Art and Pricing

Holli,

I forgot to mention earlier, but please make this new sticker smaller than the fee notice. Perhaps, the same height but thinner.

Thanks.

Brett D. Sand Special Projects Coordinator Diamond Bank, FSB 100 W. North Avenue Chicago, IL 60610 312.649.5006 tel 312.523.5163 cell 312.664.4289 fax bsand@dbdiamond.com



diamond bank

This e-mail transmission contains information that is confidential and may be privileged. It is intended only for the addressee(s) named above. If you receive this e-mail in error, please do not read, copy or disseminate it in any manner. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this information is prohibited. Please reply to the message immediately by informing the sender that the message was misdirected. After replying, please erase it from your computer system. Your assistance in correcting this error is appreciated.

From: Holli Mathews [mailto:hmathews@ataservices.com]

Sent: Wednesday, November 28, 2007 3:34 PM

To: Brett Sand

Subject: RE: Fee Notice Art and Pricing

This is great news! Let me put the rendering together. I'll be back with you shortly.

Holii Mathews

Sales and Marketing Executive

P: 801-975-8860 ext. 122

F: 801-975-8863

www.ataservices.com

From: Brett Sand [mailto:bsand@dbdiamond.com]

Sent: Tuesday, November 27, 2007 3:56 PM

To: Holli Mathews

Subject: RE: Fee Notice Art and Pricing

Holli,

I just received an email confirming shipment of the ATM decals. Thank you very much for your assistance!

I have another request I was hoping you could assist with. There is a second sticker I would like to order. The information is below:

Availability of Deposit

Funds from deposits may not be available for immediate withdrawal. Please refer to your institution's rules governing funds availability for details.

If you could please send me a proof, I would appreciate it. Thanks!

Brett D. Sand Special Projects Coordinator Diamond Bank, FSB 100 W. North Avenue Chicago, IL 60610 312.649.5006 tel 312.523.5163 cell 312.664.4289 fax bsand@dbdiamond.com



This e-mail transmission contains information that is confidential and may be privileged. It is intended only for the addressee(s) named above. If you receive this e-mail in error, please do not read, copy or disseminate it in any manner. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this information is prohibited. Please reply to the message immediately by informing the sender that the message was misdirected. After replying, please erase it from your computer system. Your assistance in correcting this error is appreciated.

From: Holli Mathews [mailto:hmathews@ataservices.com]

Sent: Tuesday, November 27, 2007 2:53 PM

To: Brett Sand

Subject: RE: Fee Notice Art and Pricing

Perfect. I just submitted the order. Thanks so much!

Holli Mathews

Sales and Marketing Executive
P: 801-975-8860 ext. 122

F: 801-975-8863 www.ataservices.com

From: Brett Sand [mailto:bsand@dbdiamond.com]

Sent: Tuesday, November 27, 2007 1:38 PM

To: Holli Mathews

Subject: RE: Fee Notice Art and Pricing

No problem at all. I'm just glad that we were able to catch it!

This looks perfect. Please go ahead and order these stickers and I will wait for the final copy to arrive when it is available.

Thank you

Brett D. Sand Special Projects Coordinator Diamond Bank, FSB 100 W. North Avenue Chicago, IL 60610 312.649.5006 tel 312.523.5163 cell 312.664.4289 fax bsand@dbdjamond.com

diamond bank

This e-mail transmission contains information that is confidential and may be privileged. It is intended only for the addressee(s) named above. If you receive this e-mail in error, please do not read, copy or disseminate it in any manner. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this information is prohibited. Please reply to the message immediately by informing the sender that the message was misdirected. After replying, please erase it from your computer system. Your assistance in correcting this error is appreciated.

From: Holli Mathews [mailto:hmathews@ataservices.com]

Sent: Tuesday, November 27, 2007 2:36 PM

To: Brett Sand

Subject: RE: Fee Notice Art and Pricing

Well I am a little embarrassed!

Here is an updated rendering. I checked with our manufacturing dept, and we can get these made and sent out pretty quickly. We could 2-day it which will not affect pricing on the shipping much at all.

Holli Mathews
Sales and Marketing Executive
P: 801-975-8860 ext. 122

F: 801-975-8863 www.ataservices.com

From: Brett Sand [mailto:bsand@dbdiamond.com] Sent: Tuesday, November 27, 2007 12:44 PM

To: Holli Mathews

Subject: RE: Fee Notice Art and Pricing

Importance: High

Holli,

I just noticed that DIAMOND is misspelled. Please make this correct on the final copies.

Thank you

Brett D. Sand Special Projects Coordinator Diamond Bank, FSB 100 W. North Avenue Chicago, IL 60610 312.649.5006 tel 312.523.5163 cell 312.664.4289 fax bsand@dbdiamond.com

a diemondbank

This e-mail transmission contains information that is confidential and may be privileged. It is intended only for the addressee(s) named above. If you receive this e-mail in error, please do not read, copy or disseminate it in any manner. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this information is prohibited. Please reply to the message immediately by informing the sender that the message was misdirected. After replying, please erase it from your computer system. Your assistance in correcting this error is appreciated.

From: Holli Mathews [mailto:hmathews@ataservices.com]

Case 1:07-cv-06403 Document 73-9 Filed 09/15/2008 Page 27 of 58 Fage 3 01 3

Sent: Monday, November 26, 2007 3:40 PM

To: Brett Sand

Subject: Fee Notice Art and Pricing

Hi Brett,

Here is the layout for the fee notices I promised you last week. (Sorry I'm late!) If you want to change any of the verblage, just let me know.

Thanks!

Holli Mathews
Sales and Marketing Executive
P: 801-975-8860 ext. 122

F: 801-975-8863 www.ataservices.com Here are a few ideas on size. Let me know what you think.

Holli Mathews

Sales and Marketing Executive

P: 801-975-8860 ext. 122

F: 801-975-8863 www.ataservices.com

From: Brett Sand [mailto:bsand@dbdiamond.com]

Sent: Thursday, November 29, 2007 9:54 AM

To: Holli Mathews

Subject: RE: Fee Notice Art and Pricing

Holli.

I forgot to mention earlier, but please make this new sticker smaller than the fee notice. Perhaps, the same height but thinner.

Thanks.

Brett D. Sand Special Projects Coordinator Diamond Bank, FSB 100 W. North Avenue Chicago, IL 60610 312.649.5006 tel 312.523.5163 cell 312.664.4289 fax bsand@dbdiamond.com

diamond bank

This e-mail transmission contains information that is confidential and may be privileged. It is intended only for the addressee(s) named above. If you receive this e-mail in error, please do not read, copy or disseminate it in any manner. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this information is prohibited. Please reply to the message immediately by informing the sender that the message was misdirected. After replying, please erase it from your computer system. Your assistance in correcting this error is appreciated.

From: Holli Mathews [mailto:hmathews@ataservices.com]

Sent: Wednesday, November 28, 2007 3:34 PM

To: Brett Sand

Subject: RE: Fee Notice Art and Pricing

This is great news! Let me put the rendering together. I'll be back with you shortly.

Holli Mathews

Sales and Marketing Executive

P: 801-975-8860 ext. 122

F: 801-975-8863

www.ataservices.com

From: Brett Sand [mailto:bsand@dbdiamond.com]

Sent: Tuesday, November 27, 2007 3:56 PM

To: Holli Mathews

Subject: RE: Fee Notice Art and Pricing

Holli,

I just received an email confirming shipment of the ATM decals. Thank you very much for your assistance!

I have another request I was hoping you could assist with. There is a second sticker I would like to order. The information is below:

Availability of Deposit

Funds from deposits may not be available for immediate withdrawal. Please refer to your institution's rules governing funds availability for details.

If you could please send me a proof, I would appreciate it. Thanks!

Brett D. Sand Special Projects Coordinator Diamond Bank, FSB 100 W. North Avenue Chicago, IL 60610 312.649.5006 tel 312.523.5163 cell 312.664.4289 fax bsand@dbdiamond.com

dig diamondbank

This e-mail transmission contains information that is confidential and may be privileged. It is intended only for the addressee(s) named above. If you receive this e-mail in error, please do not read, copy or disseminate it in any manner. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this information is prohibited. Please reply to the message immediately by informing the sender that the message was misdirected. After replying, please erase it from your computer system. Your assistance in correcting this error is appreciated.

From: Holli Mathews [mailto:hmathews@ataservices.com]

Sent: Tuesday, November 27, 2007 2:53 PM

To: Brett Sand

Subject: RE: Fee Notice Art and Pricing

Perfect. I just submitted the order. Thanks so much!

Holli Mathews Sales and Marketing Executive

P: 801-975-8860 ext. 122

F: 801-975-8863

www.ataservices.com

From: Brett Sand [mailto:bsand@dbdiamond.com]

Sent: Tuesday, November 27, 2007 1:38 PM

To: Holli Mathews

Subject: RE: Fee Notice Art and Pricing

No problem at all. I'm just glad that we were able to catch it!

This looks perfect. Please go ahead and order these stickers and I will wait for the final copy to arrive when it is available.

Thank you

Brett D. Sand

Special Projects Coordinator Diamond Bank, FSB 100 W. North Avenue Chicago, IL 60610 312.649.5006 tel 312.523.5163 cell 312.664.4289 fax bsand@dbdiamond.com

E diamondibank

This e-mail transmission contains information that is confidential and may be privileged. It is intended only for the addressee(s) named above. If you receive this e-mail in error, please do not read, copy or disseminate it in any manner. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this information is prohibited. Please reply to the message immediately by informing the sender that the message was misdirected. After replying, please erase it from your computer system. Your assistance in correcting this error is appreciated.

From: Holli Mathews [mailto:hmathews@ataservices.com]

Sent: Tuesday, November 27, 2007 2:36 PM

To: Brett Sand

Subject: RE: Fee Notice Art and Pricing

Well I am a little embarrassed!

Here is an updated rendering. I checked with our manufacturing dept, and we can get these made and sent out pretty quickly. We could 2-day it which will not affect pricing on the shipping much at all.

Holli Mathews

Sales and Marketing Executive

P: 801-975-8860 ext. 122

F: 801-975-8863 www.ataservices.com

From: Brett Sand [mailto:bsand@dbdiamond.com]

Sent: Tuesday, November 27, 2007 12:44 PM

To: Holli Mathews

Subject: RE: Fee Notice Art and Pricing

Importance: High

Holli,

I just noticed that DIAMOND is misspelled. Please make this correct on the final copies.

Thank you

Brett D. Sand Special Projects Coordinator Diamond Bank, FSB 100 W. North Avenue Chicago, IL 60610 312.649.5006 tel 312.523.5163 cell 312.664.4289 fax bsand@dbdiamond.com



This e-mall transmission contains information that is confidential and may be privileged. It is intended only for the

addressee(s) named above. If you receive this e-mail in error, please do not read, copy or disseminate it in any manner. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this information is prohibited. Please reply to the message immediately by informing the sender that the message was misdirected. After replying, please erase it from your computer system. Your assistance in correcting this error is appreciated.

From: Holli Mathews [mailto:hmathews@ataservices.com]

Sent: Monday, November 26, 2007 3:40 PM

To: Brett Sand

Subject: Fee Notice Art and Pricing

Hi Brett,

Here is the layout for the fee notices I promised you last week. (Sorry I'm late!) If you want to change any of the verblage, just let me know.

Thanks!

Holli Mathews
Sales and Marketing Executive
P: 801-975-8860 ext. 122
F: 801-975-8863
www.ataservices.com

This is great news! Let me put the rendering together. I'll be back with you shortly.

Holli Mathews
Sales and Marketing Executive
P: 801-975-8860 ext. 122

F: 801-975-8863 www.ataservices.com

From: Brett Sand [mailto:bsand@dbdiamond.com]
Sent: Tuesday, November 27, 2007 3:56 PM

To: Holli Mathews

Subject: RE: Fee Notice Art and Pricing

Holli,

I just received an email confirming shipment of the ATM decals. Thank you very much for your assistance!

I have another request I was hoping you could assist with. There is a second sticker I would like to order. The information is below:

Availability of Deposit

Funds from deposits may not be available for immediate withdrawal. Please refer to your institution's rules governing funds availability for details.

If you could please send me a proof, I would appreciate it. Thanks!

Brett D. Sand Special Projects Coordinator Diamond Bank, FSB 100 W. North Avenue Chicago, IL 60610 312.649.5006 tel 312.523.5163 cell 312.664.4289 fax bsand@dbdiamond.com

Cå diemondbank

This e-mail transmission contains information that is confidential and may be privileged. It is intended only for the addressee(s) named above. If you receive this e-mail in error, please do not read, copy or disseminate it in any manner. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this information is prohibited. Please reply to the message immediately by informing the sender that the message was misdirected. After replying, please erase it from your computer system. Your assistance in correcting this error is appreciated.

From: Holli Mathews [mailto:hmathews@ataservices.com]

Sent: Tuesday, November 27, 2007 2:53 PM

To: Brett Sand

Subject: RE: Fee Notice Art and Pricing

Perfect. I just submitted the order. Thanks so much!

Holli Mathews
Sales and Marketing Executive
P: 801-975-8860 ext. 122
F: 801-975-8863
www.ataservices.com

From: Brett Sand [mailto:bsand@dbdiamond.com] Sent: Tuesday, November 27, 2007 1:38 PM

To: Holli Mathews

Subject: RE: Fee Notice Art and Pricing

No problem at all. I'm just glad that we were able to catch it!

This looks perfect. Please go ahead and order these stickers and I will wait for the final copy to arrive when it is available.

Thank you

Brett D. Sand Special Projects Coordinator Diamond Bank, FSB 100 W. North Avenue Chicago, IL 60610 312.649.5006 tel 312.523.5163 cell 312.664.4289 fax bsand@dbdiamond.com



This e-mail transmission contains information that is confidential and may be privileged. It is intended only for the addressee(s) named above. If you receive this e-mail in error, please do not read, copy or disseminate it in any manner. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this information is prohibited. Please reply to the message immediately by informing the sender that the message was misdirected. After replying, please erase it from your computer system. Your assistance in correcting this error is appreciated.

From: Holli Mathews [mailto:hmathews@ataservices.com]

Sent: Tuesday, November 27, 2007 2:36 PM

To: Brett Sand

Subject: RE: Fee Notice Art and Pricing

Well I am a little embarrassed! @ Here is an updated rendering. I checked with our manufacturing dept, and we can get these made and sent out pretty quickly. We could 2-day it which will not affect pricing on the shipping much at all.

Holli Mathews Sales and Marketing Executive P: 801-975-8860 ext. 122

F: 801-975-8863

www.ataservices.com

From: Brett Sand [mailto:bsand@dbdiamond.com] Sent: Tuesday, November 27, 2007 12:44 PM

To: Holli Mathews

Subject: RE: Fee Notice Art and Pricing

Importance: High

Holli,

I just noticed that DIAMOND is misspelled. Please make this correct on the final copies.

Thank you

Brett D. Sand Special Projects Coordinator Diamond Bank, FSB 100 W. North Avenue Chicago, IL 60610 312.649.5006 tel 312.523.5163 cell 312.664.4289 fax bsand@dbdiamond.com

diamond bank

This e-mail transmission contains information that is confidential and may be privileged. It is intended only for the addressee(s) named above. If you receive this e-mail in error, please do not read, copy or disseminate it in any manner. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this information is prohibited. Please reply to the message immediately by informing the sender that the message was misdirected. After replying, please erase it from your computer system. Your assistance in correcting this error is appreciated.

From: Holli Mathews [mailto:hmathews@ataservices.com]

Sent: Monday, November 26, 2007 3:40 PM

To: Brett Sand

Subject: Fee Notice Art and Pricing

Hi Brett,

Here is the layout for the fee notices I promised you last week. (Sorry I'm late!) If you want to change any of the verbiage, just let me know.

Thanks!

Holli Mathews
Sales and Marketing Executive
P: 801-975-8860 ext. 122
F: 801-975-8863
www.ataservices.com

Case 1:07-cv-06403 Document 73-9 Filed 09/15/2008 Page 35 of 58

Perfect. I just submitted the order. Thanks so much!

Holli Mathews

Sales and Marketing Executive

P: 801-975-8860 ext. 122

F: 801-975-8863

www.ataservices.com

From: Brett Sand [mailto:bsand@dbdiamond.com]

Sent: Tuesday, November 27, 2007 1:38 PM

To: Holli Mathews

Subject: RE: Fee Notice Art and Pricing

No problem at all. I'm just glad that we were able to catch it!

This looks perfect. Please go ahead and order these stickers and I will wait for the final copy to arrive when it is available.

Thank you

Brett D. Sand Special Projects Coordinator Diamond Bank, FSB 100 W. North Avenue Chicago, IL 60610 312.649.5006 tel 312.523.5163 cell 312.664.4289 fax bsand@dbdiamond.com

eliemond bank

This e-mail transmission contains information that is confidential and may be privileged. It is intended only for the addressee(s) named above. If you receive this e-mail in error, please do not read, copy or disseminate it in any manner. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this information is prohibited. Please reply to the message immediately by informing the sender that the message was misdirected. After replying, please erase it from your computer system. Your assistance in correcting this error is appreciated.

From: Holli Mathews [mailto:hmathews@ataservices.com]

Sent: Tuesday, November 27, 2007 2:36 PM

To: Brett Sand

Subject: RE: Fee Notice Art and Pricing

Well I am a little embarrassed! © Here is an updated rendering. I checked with our manufacturing dept, and we can get these made and sent out pretty quickly. We could 2-day it which will not affect pricing on the shipping much at all.

Holli Mathews

Sales and Marketing Executive

P: 801-975-8860 ext. 122

F: 801-975-8863

www.ataservices.com

From: Brett Sand [mailto:bsand@dbdiamond.com]

Sent: Tuesday, November 27, 2007 12:44 PM

To: Holli Mathews

Subject: RE: Fee Notice Art and Pricing

Importance: High

Holli,

I just noticed that DIAMOND is misspelled. Please make this correct on the final copies.

Thank you

Brett D. Sand Special Projects Coordinator Diamond Bank, FSB 100 W. North Avenue Chicago, IL 60610 312.649.5006 tel 312.523.5163 cell 312.664.4289 fax bsand@dbdiamond.com

diamond bank

This e-mail transmission contains information that is confidential and may be privileged. It is intended only for the addressee(s) named above. If you receive this e-mail in error, please do not read, copy or disseminate it in any manner. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this information is prohibited. Please reply to the message immediately by informing the sender that the message was misdirected. After replying, please erase it from your computer system. Your assistance in correcting this error is

From: Holli Mathews [mailto:hmathews@ataservices.com]

Sent: Monday, November 26, 2007 3:40 PM

To: Brett Sand

Subject: Fee Notice Art and Pricing

Hi Brett,

Here is the layout for the fee notices I promised you last week. (Sorry I'm late!) If you want to change any of the verbiage, just let me know.

Thanks!

Holli Mathews

Sales and Marketing Executive
P: 801-975-8860 ext. 122
F: 801-975-8863

www.ataservices.com

Hhhmmm...Thursday could be pushing it, but let me check. We would definitely have them by the 10th though. I'll get back to you in a bit,

Holli Mathews

Sales and Marketing Executive

P: 801-975-8860 ext. 122

F: 801-975-8863 www.ataservices.com

From: Brett Sand [mailto:bsand@dbdiamond.com]

Sent: Tuesday, November 27, 2007 8:58 AM

To: Holli Mathews

Subject: RE: Fee Notice Art and Pricing

Thanks, Holli.

I am going to be on vacation all of next week. I wanted to see if it was possible to receive the stickers by Thursday, but I know that would be a lot to ask. As long as I can have the stickers by December 10th, I will be happy.

Thank you again for all of your assistance.

Brett D. Sand Special Projects Coordinator Diamond Bank, FSB 100 W. North Avenue Chicago, IL 60610 312.649.5006 tel 312.523.5163 cell 312.664.4289 fax bsand@dbdiamond.com

c **diamond** bank

This e-mail transmission contains information that is confidential and may be privileged. It is intended only for the addressee(s) named above. If you receive this e-mail in error, please do not read, copy or disseminate it in any manner. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this information is prohibited. Please reply to the message immediately by informing the sender that the message was misdirected. After replying, please erase it from your computer system. Your assistance in correcting this error is appreciated.

From: Holli Mathews [mailto:hmathews@ataservices.com]

Sent: Monday, November 26, 2007 7:28 PM

To: Brett Sand

Subject: RE: Fee Notice Art and Pricing

Hi Brett. I'll go ahead and get the order started per this email. That will do just fine. There is usually a nominal shipping fee on top of the sticker price. If you think you can wait till the end of this week, we can ship it 2-day on Wednesday or Thursday and keep the cost pretty low. How quickly do you need them? Would you like m to send them to the address below in your signature line?

Holli Mathews
Sales and Marketing Executive

P: 801-975-8860 ext. 122

F: 801-975-8863 www.ataservices.com

From: Brett Sand [mailto:bsand@dbdiamond.com]

Sent: Monday, November 26, 2007 2:53 PM

To: Holli Mathews

Subject: RE: Fee Notice Art and Pricing

Perfect!

Do I need to sign this sheet to begin the production or will this email be enough to go ahead with the order.

Any additional charge for a rushed shipment? If so, how much and how much or a rush would be available?

Thank you for your help.

Brett D. Sand Special Projects Coordinator Diamond Bank, FSB 100 W. North Avenue Chicago, IL 60610 312.649.5006 tel 312.523.5163 cell 312.664.4289 fax bsand@dbdiamond.com



This e-mail transmission contains information that is confidential and may be privileged. It is intended only for the addressee(s) named above. If you receive this e-mail in error, please do not read, copy or disseminate it in any manner. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this information is prohibited. Please reply to the message immediately by informing the sender that the message was misdirected. After replying, please erase it from your computer system. Your assistance in correcting this error is appreciated.

From: Holli Mathews [mailto:hmathews@ataservices.com]

Sent: Monday, November 26, 2007 3:40 PM

To: Brett Sand

Subject: Fee Notice Art and Pricing

Hi Brett,

Here is the layout for the fee notices I promised you last week. (Sorry I'm late!) If you want to change any of the verbiage, just let me know.

Thanks!

Holli Mathews

Sales and Marketing Executive
P: 801-975-8860 ext. 122
F: 801-975-8863

www.ataservices.com

Brett D. Sand
Credit Analyst
Diamond Bank, FSB
100 W. North Avenue
Chicago, IL 60610
312.649.5006 tel
312.664.4289 fax.
bsand@dbdiamond.com



This e-mail transmission contains information that is confidential and may be privileged. It is intended only for the addressee(s) named above. If you receive this e-mail in error, please do not read, copy or disseminate it in any manner. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this information is prohibited. Please reply to the message immediately by informing the sender that the message was misdirected. After replying, please erase it from your computer system. Your assistance in correcting this error is appreciated.

From: Troy Labrum [mailto:tlabrum@ataservices.com]

Sent: Tuesday, November 27, 2007 3:41 PM

To: Brett Sand

Cc: Holli Mathews; Troy Labrum; shipping1; Justin Newbold

Subject: 5 Fee Notices

Sent (5) Fee Notices as follows:

Your Shipment Details:

Your Shipment Details:

Ship to:

Brett Sand Diamond Bank 100 W NORTH AVE CHICAGO, IL 606101303

US

3126495006

From:

ATA Shipping Dept.

ATA Services

2796 S. Redwood Rd Salt Lake City, UT 84119

US

8019758860

Tracking no: Your reference: 792461444150 Diamond Bank

Ship date: Service type:

Nov 27 2007 FedEx 2-Day

6/16/2008

Andrew Bronfeld

From:

Holli Mathews [hmathews@ataservices.com]

Sent:

Monday, November 26, 2007 3:40 PM

To:

Brett Sand

Subject:

Fee Notice Art and Pricing

Attachments: Fee Notice Rendering 26NOV07 hm.pdf

Hi Brett,

Here is the layout for the fee notices I promised you last week. (Sorry I'm late!) If you want to change any of the verbiage, just let me know.

Thanks!

Holli Mathews

Sales and Marketing Executive

P: 801-975-8860 ext. 122

F: 801-975-8863 www.ataservices.com



Prepared For: Diamond Bank Date: November 26, 2007 Rendering Version: 1 Page 1 of 1

Description: 4"x4" Fee notice with 1/8 inch rounded corners and full adhesive on the back. Black text on a white background. Quantity 5. \$17.12 each.

FEE NOTICE

This fee does not apply to Daimond Bank Cardholders.

Daimond Bank may charge a fee, as indicated on the ATM screen, to U.S. Cardholders for withdrawing cash. This fee is added to the amount of your withdrawal and is in addition to any fees that may be charged by your financial institution.

If you have any questions about your rendering please call or email me and I will be available to answer any questions. If you would like to approve this right now, place your signature on the line below and FAX it back to 801.975.8863. Thank you.

APPROVAL

Holli Mathews
Sales and Marketing Executive
P: 801.975.8860 ext. 122
C: 801.703.3547
hmathews@ataservices.com

Case 1:07-cv-06403 Document 73-9 Filed 09/15/2008 Page 42 of 58 Page 1 of 2

Andrew Bronfeld

From: Holli Mathews [hmathews@ataservices.com]

Sent: Monday, November 26, 2007 7:28 PM

To: Brett Sand

Subject: RE: Fee Notice Art and Pricing

Hi Brett. I'll go ahead and get the order started per this email. That will do just fine. There is usually a nominal shipping fee on top of the sticker price. If you think you can wait till the end of this week, we can ship it 2-day on Wednesday or Thursday and keep the cost pretty low. How quickly do you need them? Would you like m to send them to the address below in your signature line?

Holli Mathews
Sales and Marketing Executive
P: 801-975-8860 ext. 122
F: 801-975-8863
www.ataservices.com

From: Brett Sand [mailto:bsand@dbdiamond.com]

Sent: Monday, November 26, 2007 2:53 PM

To: Holli Mathews

Subject: RE: Fee Notice Art and Pricing

Perfect!

Do I need to sign this sheet to begin the production or will this email be enough to go ahead with the order.

Any additional charge for a rushed shipment? If so, how much and how much or a rush would be available?

Thank you for your help.

Brett D. Sand
Special Projects Coordinator
Diamond Bank, FSB
100 W. North Avenue
Chicago, IL 60610
312.649.5006 tel
312.523.5163 cell
312.664.4289 fax
bsand@dbdiamond.com

cia diemondbank

This e-mail transmission contains information that is confidential and may be privileged. It is intended only for the addressee(s) named above. If you receive this e-mail in error, please do not read, copy or disseminate it in any information is prohibited. Please reply to the message immediately by informing the sender that the message was appreciated. After replying, please erase it from your computer system. Your assistance in correcting this error is

From: Holli Mathews [mailto:hmathews@ataservices.com]

Sent: Monday, November 26, 2007 3:40 PM

To: Brett Sand

Subject: Fee Notice Art and Pricing

Hi Brett,

Here is the layout for the fee notices I promised you last week. (Sorry I'm late!) If you want to change any of the verbiage, just let me know.

Thanks!

Holli Mathews
Sales and Marketing Executive
P: 801-975-8860 ext. 122
F: 801-975-8863
www.ataservices.com

Andrew Bronfeld

From:

Holli Mathews [hmathews@ataservices.com]

Sent:

Tuesday, November 27, 2007 2:36 PM

To:

Brett Sand

Subject:

RE: Fee Notice Art and Pricing

Attachments: Fee Notice Rendering 27NOV07 hm.pdf

Well I am a little embarrassed!

Here is an updated rendering. I checked with our manufacturing dept, and we can get these made and sent out pretty quickly. We could 2-day it which will not affect pricing on the shipping much at all.

Holli Mathews

Sales and Marketing Executive

P: 801-975-8860 ext. 122

F: 801-975-8863

www.ataservices.com

From: Brett Sand [mailto:bsand@dbdiamond.com]

Sent: Tuesday, November 27, 2007 12:44 PM

To: Holli Mathews

Subject: RE: Fee Notice Art and Pricing

Importance: High

Holli,

I just noticed that DIAMOND is misspelled. Please make this correct on the final copies.

Thank you

Brett D. Sand
Special Projects Coordinator
Diamond Bank, FSB
100 W. North Avenue
Chicago, IL 60610
312.649.5006 tel
312.523.5163 cell
312.664.4289 fax
bsand@dbdjamond.com

C 3 diamond bank

This e-mail transmission contains information that is confidential and may be privileged. It is intended only for the addressee(s) named above. If you receive this e-mail in error, please do not read, copy or disseminate it in any manner. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this information is prohibited. Please reply to the message immediately by informing the sender that the message was misdirected. After replying, please erase it from your computer system. Your assistance in correcting this error is appreciated.

From: Holli Mathews [mailto:hmathews@ataservices.com]

Sent: Monday, November 26, 2007 3:40 PM

To: Brett Sand

Subject: Fee Notice Art and Pricing

Hi Brett,

Here is the layout for the fee notices I promised you last week. (Sorry I'm late!) If you want to change any of the verbiage, just let me know.

Thanks!

Holli Mathews
Sales and Marketing Executive
P: 801-975-8860 ext. 122

F: 801-975-8863 www.ataservices.com



Prepared For: Diamond Bank Date: November 27, 2007 Rendering Version: 21 Page 1 of 1

Description: 4"x4" Fee notice with 1/8 inch rounded corners and full adhesive on the back. Black text on a white background. Quantity 5. \$17.12 each.

FEE NOTICE

This fee does not apply to Diamond Bank Cardholders.

Diamond Bank may charge a fee, as indicated on the ATM screen, to U.S. Cardholders for withdrawing cash. This fee is added to the amount of your withdrawal and is in addition to any fees that may be charged by your financial institution.

If you have any questions about your rendering please call or email me and I will be available to answer any questions. If you would like to approve this right now, place your signature on the line below and FAX it back to 801.975.8863. Thank you.

APPROVAL

Holli Mathews
Sales and Marketing Executive
P: 801.975.8860 ext. 122
C: 801.703.3547
hmathews@ataservices.com

DPR 2 & 4

ADDENDUM

TO

EFMARK Service Agreement

Dated: February 17, 1995

This Addendum dated February 25, 1999 between EFMARK Service Company and North Federal Savings & Loan of Chicago hereby incorporates all terms and conditions set forth in EFMARK Service Agreement executed on above date to include additional equipment as specified below. This addendum shall become effective on 90 Days From Installation (After Warranty).

EQUIPMENT	LOCATION	SERVIC E PLAN	ANNUAL PRICE
(1) Fujitsu 7010	Branch 3207 W. Lake St. Wilmette, IL 60091 (847) 256-6010	" B"	\$1,800

EFMARK SERV	JOE COMPANY	NORTH FEDERAL SAVI	NGS & LOAN
Jurn 1 1	in	kesto Elipato	
Sales	2/25/98	Ireant U.P.	3/25/9g
(TITLE)	(DATE)	(TITLE)	(DATE)

ADDENDUM A

TO ATM MALFUNCTION SERVICE CONTRACT

This Addendum to the ATM malfunction service contract dated June 20, 1997 by and between North Federal Savings, United Armored Car, and EFMARK Service Company shall include the ATM equipment as listed below:

ATM TYPE	SERVICE	MONTHLY COST
570	Level "II"	\$110
	•	
		· .
	· .	
	670	

Level "I"

5:00 P.M. - 11:00 P.M. Monday - Friday 12:00 NOON - 11:00 P.M. Saturday 8:30 A.M. - 11:00 P.M. Sunday

Level "II"

8:30 A.M. - 11:00 P.M. Monday - Sunday

AGREED TO BY:

EFMARK SERVICE COMPANY		NORTH FEDERAL SAVINGS	
Jason 2 Wordnie-		Water & Casast	
5.45	6-20-97	Exelle Vip	4/2/97

ADDENDUM

TO

EFIVARK Service Agreement

Dated: February 17, 1995

This Addendum dated June 20, 1997 between EFMARK Service Company and North Federal Savings & Loan of Chicago hereby incorporates all terms and conditions set forth in EFMARK Service Agreement executed on above date to include additional equipment as specified below. This addendum shall become effective on August 15, 1997.

EQUIPMENT	LOCATION	SERVICE PLAN	ANNUAL PRICE
(1) NCR 5670	Gold Coast Multiplex Center 1030 N. Clark St. Chicago, IL 60610 (312) 944-1030	"B"	\$1,200

Accepted By:	•
EFMARK SERVICE COMPANY	NORTH FEDERAL SAVINGS & LOAN
Sales G-20-97 (TITLE) (DATE)	Lister & Capital Executive U.D (DATE)



4470 Paysphere Circle Chicago, IL. 60674 Phone: (630) 654-6787 Fax: (630) 789-9195 billing@efmark.com

INVOICE

293663

SOLD TO DIAMOND BANK, FSB
100 WEST NORTH AVENUE

CHICAGO, IL 60610

CONTACT Brett Sand

SHIP TO DIAMOND BANK, FSB 100 WEST NORTH AVENUE

CHICAGO, IL 60610

CONTACT Brett Sand

	DATE 07/13/07	SHIP VIA	CUSTOMER NO.		TERMS UPON RECE	IPT
	P.O. NUMBER OTY TERMINAL		·	RDER NUMBER 100605		SPERSON
)	1ERBINAL	HARDWARE MAINTENA Coverage Period Petal	07/01/07 to 08/30/08 is attached		UNIT PRICE	TOTAL PRICE
		(20 1/2	4/57		
			Jux 400			
			,			

Page 1

THANK YOU

SUBTOTAL

\$3,390 00

Sales Tax

\$0.00

TOTAL

\$3,390.00

Cole Dep DPR000110

Pendum, Inc.

(formerly EFMARK-Premium-Bantek-Wilson)

Cincinnati, OH 45271-2142 Phone: (303) 614-4729 Fax: (303) 614-4780

Date: Inv Nbr: Sust ID: : 0306600 4/9/2008 IVC0115654

> Diamond Bank 100 W North Ave attn: Brett Sand Chicago, IL 60610-1303

PLEASE REFER TO INVOICE NUMBER ON YOUR REMITTANCE ADVICE Annual Service Invoice for the Period of April, 2008 - Mai 31, 2009

	\$372.96	4.00% Fuel Surcharge:_	4.00% F		\$ ÷	-			Fuel Surcharge
\$0.00	\$2,461.00					•			2BEO TOTALS
	\$2,295.00 \$156,00	Unlimited Unlimited	ATM Second Line Maint. Triple DES Maintenance	FUJITSU 7020 FUJITSU 7020	구 무	Skokie Skokie	enter Rd enter Rd	8820 Niles Center Rd 8820 Niles Center Rd	Branch Branch
	\$1,930.00	Unlimited	· ATM Second Line Maint.	NCR 5887	루	Chicago .	n Ave	1635 N Damen Ave	Northside Cafe
	\$2,216.00	Unfimiled	ATM Second Line Maint.	NCR 5886	F	Chicago	Ave	100 W North Ave	Diamond Bank FSB
\$0.00	\$1,608.00	ļ	. •						584C TOTALS
	\$1,450.00 \$156.00	Unlimited Unlimited	ATM Second Line Maint Triple DES Maintenance	NCR 5870 NCR 5870	.≓ =	Chicago Chicago	. 85 . 85 <u></u>	1030 N Clark St 1030 N Clark St	Gold Coast Filness Gold Coast Filness
!	\$1,121.00	Unlimited .	ATM Second Line Maint.	NCR 5305	# # #	Chicago	h Ave	1643 W North Ave	Salon Blonde
				Sellen Waka Modali (188	ST. LOOS				

Case 1:07-cv-06403 CO115654 TOTALS

5 ATMs

9,696,96

Document 73-P

28E0 28E0

435D

49E4

Filed 09

584C 564C

588A

Pendum, Inc. P.O. Box 712142 Cincinnati, OH -45271:2142 Phone: (303) 614-4752 Fax: (303) 614-4781

INVOICE

260182

SOLD TO: :DIAMOND:BANK, FSB

100 WEST NORTH AVENUE

CHICAGO, IL .60610

CONTACT: VIC CAPUTO

SHIP TO: IDIAMOND BANK, FSB

:100 WEST NORTH: AVENUE

CHICAGO, IL 60610

CONTACT:

	6/01/06		INFS001		UPON RECE	PT
P.C	D. NUMBER		OF	RDER NUMBER		PERSON
QTY	TERMINA		LOCATION		UNIT PRICE	TOTAL PRICE
		Coverage Period: 07/01	/06 to 06/30/07			
1.0	l i	NCR/5670 1030 NORTH	I CLARK STREET, CHICA	GO,IL	\$1,390.00	\$1,390.00
71.0		TRIPLE DES MAINTEN	ANCE		\$150.00	\$150,00
1.0	1		EST LAĶE STREET,WILM	ETTE,IL	\$2,200.00	\$2,200.00
1.0	ļ	TRIPLE DES MAINTEN			\$150.00	\$150.00
7.0	0 :36DB		SOUTHPORT AVENUE,	CHICAGO,IL	\$1,276.56	\$1,276.56
1.0	0 435D	new-4/20/06 prorated to	coincide with atms RTH DAMEN,CHICAGO,II		24 252 22	rate a second control of
1.0	i -		T NORTH AVENUE, CHIC		\$1,850.00	\$1,850.00
		, , , , , , , , , , , , , , , , , , , ,	· · · · · · · · · · · · · · · · · · ·	WOO'IL	\$2,125.00	\$2,125.00
			•	·		
· · · · · · · · · · · · · · · · · · ·						
· · · · · · · · · · · · · · · · · · ·						
· · · · · · · · · · · · · · · · · · ·						
· · · · · · · · · · · · · · · · · · ·			•			

Page: 1

THANK YOU

SUBTOTAL:

\$9,141.56

Sales Tax:

\$0.00

TOTAL:

\$9,141.56

INVOICE

260182



-4470 Paysphere Circle

Chicago, IL.:60674

Phone: (630):654-6787

Fax: (630) 789-9195

:billing@elmark.com

SOLD TO DIAMOND BANK, FSB 100 WEST NORTH AVENUE

CHICAGO, IL 60610

CONTACT VICCAPUTO

SHIPTO DIAMOND BANK, FSB 100 WEST NORTH AVENUE

CHICAGO, IL:60610

CONTACT

:06/0			'NFS001		TERMS -UPON RECE	PT
P.O. N	UMBER		O	RDER NUMBER	SALES	PERSON
			<u> </u>	100605		,
QTY	TERMINAL				UNIT PRICE	TOTAL PRICE
i		Coverage Period :07/01/0	16 to 106/30/07			
1'00	1230	NCR/5670 1030 NORTH	CLARK:STREET,CHICA	GO,IL	:\$1,390 00	\$1,390 00
7.00		TRIPLE DES MAINTENAI			:\$150.00	\$150.00
1 00	:2BE0	FUJITSU/7020,3207:WES	ST LAKE STREET, WILM	ETTE,IL	\$2,200 00	\$2,200 00
1 00	· <u>-</u> ,	TRIPLE DES MAINTENAI			:\$150:00	\$150.00
1 00	:36DB	NCR/5305:2856:NORTH:	SOUTHPORT AVENUE	CHICAGO,IL	\$1,276.56	\$1278.56
		new 4/20/06 prorated to co				
1.00	-435D	NCR/5887WU 1635 NOR			:\$1,850.00	\$1,850.00
1'00	.49E4	NCR/5886WU:100 WEST	NORTH AVENUE, CHIC	AGO,IL	\$2,125 00	\$2,125.00
				Į		•
				.]		
	19:23-00					
Í	•			·	·	
}			•	·		
.			•		•	
l	٠		•	Ī		-
			•			
					4	7865.00
L. Tuh	BY CK. #_	75117		1	1 47	1005.00
	· · · · · · · · · · · · · · · · · · ·	7.865.00				
AIVIU	UNT \$			ļ ļ		
DATE	E 06/19/0	1 73				

Page 1

THANK YOU

SUBTOTAL.

\$9,141 56

· Sales Tax

\$0.00

TOTAL.

Cole Dep DPR000113

Pendum, Inc.

435D

Northside Cafe

1635 N Dami

en Ave

Chicago Chicago

NCR 5887

ATM Second Line Maint.

Unlimited

\$1,930,00

NCR 5886

ATM Second Line Maint

Unitrilled

\$2,216,00 \$1,606.00

Baw North W 001

49E4

Diamond Bank FSB

564C TOTALS Gold Coast Filness Gold Coast Fitness

1030 N Clark St 1030 N Clark St

Chicago Chicago

NCR 5670 NCR 5670

ATM Second Line Maint Triple DES Maintenance

Unlimited

\$1,450.00 \$156.00

\$0.00

Unlimited

NCR 5305

ATM Second Line Maint.

Unlimited

\$1,121.00

643 W North Ave

Chicago

報告 6.45 6.45

588A

Salon Blonde

28E0 28E0

Branch Branch

8820 Niles Center Rd 9820 Niles Center Rd

Skokie Skokie

FUJITSU 7020 FUJITSU 7020

ATM Second Line Maint. Triple DES Maintenance

Unfirmited Unlimited

\$2,295,00 \$156.00

\$2,451.00

2BE0 TOTALS

5 ATMs

Fuel Surcharge

5Phone: (303) 614-4729 Fax: (303) 614-4780

Onv Nbr: oDate: Cust ID:

IVC0115654 0306600 4/9/2008

*** INVOICE ***

Diamond Bank 100 W North Ave attn: Brett Sand

Chicago, IL 60610-1303

Annual Service invoice for the Period of Apr 1, 2008 - Mar 31, 2009

PLEASE REFER TO INVOICE NUMBER ON YOUR REMITTANCE ADVICE

			•
Total Amount:	Subtotal:	4.00% Fuel Surchäige:	
\$9,696.96	\$9,696.96	\$372.96	
	\$0.00		

AMENDMENT NO. _____ TO (PRIVATE) THE MASTER DATA PROCESSING AGREEMENT AND CORRESPONDING ADDENDA

This Amendment No. _1_ to the Master Data Processing Agreement dated July 1, 2005, and corresponding Addenda, (collectively the "Agreement") is made between FIFTH THIRD PROCESSING SOLUTIONS, a division of FIFTH THIRD BANK, an Ohio banking corporation (collectively "Vendor") and DIAMOND BANK, FSB ("Customer"). The Agreement shall be amended in the following respects.

- On or before the execution of this Amendment No. 1 by Customer, Customer agrees to execute an unaltered original of Vendor's standard Master Data Processing
 Agreement and Core Services Addendum. Customer further agrees that the terms of this Amendment No. 1 shall not become effective until the first day of the
 calendar month following the execution of this Amendment No. 1 by both Vendor and Customer ("Effective Date").
- II. Termination of Prior Agreements. Effective upon the Effective Date, Vendor and Customer agree that Customer's Master Data Processing Agreement dated March 26, 1995, and corresponding Addanda and any other agreements (written or oral), shall terminate and Customer shall thereafter exclusively receive the Services from Vendor pursuant to this Agreement and agrees to pay the fees for the Services specified in the Fee Schedule thereto.
- A. The Master Data Processing Agreement dated July 1, 2005, shall be amended as follows:
 - Section 4, Fees and Payments, Paragraph 1, shall be amended as follows:
 - (i) by inserting the following after the words "any Addendum" in line nine (9):

"in addition, Vendor will not increase the fees for existing, recurring Services during the first two (2) years of the initial Term of any Addendum, excluding any price increases due to increased fees or assessments imposed by third party providers, including, but not limited to, networks, telecommunication companies, etc."

- (ii) by deleting the words "exceed 10% in any calendar year" in line eleven (11) and substituting the words "exceed five percent (5%) in any calendar year in lieu thereof.
- Section 6.(c), Miscellaneous, shall be deleted in its entirety.
- Section 9, Limits on Liability, shall be amended as follows:
 - (i) by deleting the words "for the calendar month" in line twelve (12) and substituting the words "for the three (3) calendar months" in lieu thereof.
 - (ii) by adding the following sentence at the end of the paragraph, "Vendor acknowledges and agrees the limit of liability contained in sentence 3 of this Section 9 only, shall not apply to a breach of Section 6.(b) by Vendor."
- Section 10.(g), shall be deleted in its entirety and replaced with:

"(g) That it will indemnify, defend and hold Vendor, and its directors, officers, employees, affiliates and agents, harmless from all proceedings, daims, itabilities and expenses whatsoever (including attorneys fees) arising out of the Services (except as otherwise provided in Section 13 below), the business of Customer or its customers, Customer's failure to comply with any provision of the Network Documentation (as defined in the Core Services Addendum, or by reason of any breach or nonperformance of any provision of this Agreement by Customer or any Addendum on the part of the Customer, or its employees, agents or customers, except, however, where such is due to the extent of Vendor's negligence."

5. The following shall be added as a new Section 13:

"Vendor will, subject to the limitations in Section 9 hereof, indemnify, defend and hold Customer, and its directors, officers, employees, affiliates, and agents, harmless from all proceedings, claims, liabilities and expenses whatsoever (including reasonable attorney's fees) which are a direct result of the breach or nonperformance of any provision of this agreement or any Addendum on the part of Vendor, or its employees, agents, or customers, except, however, for that portion of all such proceedings, claims, liabilities and expenses whatsoever (including reasonable attorney's fees) due to the negligence of Customer."

- Section 12.(c), Violation of Applicable Laws and Regulations, shall be amended by deleting "Vendor's opinion" and substituting "Vendor's reasonable opinion".
- Section 12.(f), Successors; Assignment, shall be amended by adding, "provided such consent shall not be unreasonably withheld by Vendor" at the end of the last line of the paragraph thereof.
- B. The Core Services Addendum dated July 1, 2005, shall be amended as follows:
 - 1. Section B, Term, shall be amended by deteting the first sentence thereof and substituting the following in lieu thereof:

"The term of this Agreement shell commence upon the Effective Date and shall continue until August 31, 2008 ("Initial Term")."

- 2. Section G, shall be deleted in its entirety.
- C. Addendum A to the Master Data Processing Agreement dated July 1, 2005, shall be amended as follows:
 - Section B.1.a), Programming Services, shall be amended as follows:

Vendor and Customer do hereby acknowledge and agree that Vendor shall credit Customer up to but not more than fifteen (15) hours worth of Programming Services (during normal business hours) during the Initial Term of this Agreement ("Programming Credit") against Vendor Programming Services fees only (and not third-party fees and/or expenses, including, but not limited to all travel expenses) which Vendor actually charges to Customer (less any other credits and/or waivers), provided Customer completely satisfies all of the following conditions. Customer must send to Vendor written notice within thirty (30) days of Customer's receipt of the Vendor Services Invoice containing any Programming Services charges and such notice must (I) specifically reference this Amendment No. 1; (ii) specifically reference the Programming Services charges to be credited; (iii) be sent in accordance with Section12.(g) of the Master Data Processing Agreement; and (iv) be sent to and actually received by Customer's FTPS Account Manager at 38 Fountain Square Plaza, Maildrop 10907E, Cincinnati, Ohio 45263, with a copy sent to and actually received by both the FTPS General Counsel (i.e., "Attention FTPS General Counsel") and the FTPS Billing Manager (i.e., "Attention FTPS Billing Manager") at the same address and same Malidrop. Upon Vendor's actual receipt of such written notice satisfying all of the foregoing conditions, Vendor will credit Customer the Programming Services fees on Customer's Vendor Services Involce for the month following Vendor's actual receipt of the notice complying with the foregoing requirements. Vendor and Customer do further acknowledge and agree that at the termination of this Agreement for any reason, Vendor shall not owe Customer any portion whatsoever of the Programming Credit not used by

Except as otherwise provided in this Amendment, the terms of the Agreement are hereby ratified and affirmed and shall remain in full force and effect. This Amendment shall have no force or effect unless and until countersigned by Vendor.

FIFTH THIRD BANK

Name:

DIAMOND BANK, FSB

MASTER DATA PROCESSING AGREEMENT

This Master Data Processing Agreement is made between FIFTH THIRD PROCESSING SOLUTIONS, a division of FIFTH THIRD BANK, an Ohio banking corporation, having its principal office at 38 Fountain Square Plaza, Cincimati, Ohio 45263 (collectively "Vendor") and DIAMOND BANK, FSB, having its principal office at 160 W. North Avenue, Chicago, Illinois 60610 ("Customer"). Vendor and Customer hereby agree as follows:

1. DEFINITIONS

For the purposes of this Agreement, the following terms shall have the meanings set forth below. (a) "Agreement" shall mean this Master Data Processing Agreement and each addendum attached hereto or referencing this Agreement, and all documents and other materials incorporated herein or referencing this Agreement, which describe some of the terms under which the data processing services will be provided by Vendor to Customer, and the fees to be a charged therefor (c) "Services" shall mean the data processing services will be provided by Vendor to Customer, and the fees to be a charged therefor (c) "Services" shall mean the data processing services provided by Vendor to Customer as described in the Addendum (d) Other defined terms applicable to this Agreement and each Addendum will be contained in a "Definitions and General Services Addendum" as may be published and modified from time to time by Vendor and the parties agree that such Addendum shall be incorporated herein and made part of this Agreement. This Master bate Processing Agreement contains the general terms and conditions applicable to each Addendum and Definitions applicable to the Agreement and Services, along with Vendor's standard prioring. Each Addendum describes the specific Services to be provided by Vendor to Customer and supplements the Master Data Processing Agreement.

Vendor's Obligations. Vendor will perform the Services as set forth in the Addenda. Vendor may make changes in the Services based upon, but not limited to, technological developments, legislative or regulatory changes, or the Introduction of new services by Vendor. Vendor will use its reasonable best efforts to notify Customer of any such changes that will materially affect Customer at least 30 days prior to the implementation date of any such change. The parties agree that Vendor shall be the exclusive provider of the Services described in each Addendum to this Agreement.

The term of this Agreement shall commence July 1, 2005, and shall continue thereafter in accordance with the respective Addenda, unless earlier terminated in accordance with this Agreement or any Addendum. Notwithstanding any Addendum, Vendor may, at any time prior to a renewal period, refuse to extend the term of any Addendum if Customer is in default of this Agreement, or has from time to time been in default of this Agreement.

4. FEES AND PAYMENTS

The Customer shall pay to Vendor for the Services, the fees and expenses set forth in this Agreement and the Addenda. All fees shall be paid within 30 days of Customer's receipt of Vendor's invoice unless otherwise provided herein. Alternatively, Vendor may, at its option, debit Customer's billing account on or any time after the tirst day of each month through ACH. Vendor will then provide Customer with a statement of services rendered and charges therefore. Customer shall supply Vendor with a billing account number for this purpose. Vendor may not increase the fees during the first twelve months of the initial Term of any Addendum. Thereafter, Vendor may change, at its discretion, any fee upon notice to Customer, provided, however, that any increase in prices for existing recurring Services shall not in the aggregate exceed 10% in any calendar year, excluding any price increase due to increased fees or assessments imposed by third party providers such as, but not limited to, telescommunication companies and national or regional network switch providers (Third Party increases). Any increase, except Third Party increases, shall become effective not less than 30 days after the date Vendor sends to Customer, by ordinary mail, notice of such increase. Vendor may charge for any non-specified service it provides and expense it incurs at the request of or on behalf of Customer and Customer shall pay for such services and expenses as provided in this Section 4.

Notwithstanding any other provisions of this paragraph, in the event that by virtue of any law, rule, or regulation now existing or hereinafter enacted. Vendor or Gustomer becomes obligated to change in any fashion their manner of doing business in order to comply with such law, rule or regulation and Vendor incurs any increased cost by virtue thereof, Vendor may reasonably increase its fees to Gustomer set forth in the attached Addenda as necessary to offset such increased costs. Any increased fees hereunder if any, shall not be taken into account for purposes of any price adjustment.

All fees and charges paid hereunder shall be made without set-off or deduction. Customer shall pay a late charge of 10% of the delinquent amount when such amount is paid more than 5 business days after it is due. Any fee not paid when due shall bear interest at 1 percentage point per month but in no event more than the highest interest rate permitted by

TITLE TO THE SERVICES

Customer agrees it is acquiring only a nontransferable, non-exclusive right to use the Services. Vendor shall at all times retain exclusive title to the

Services, including without limitation, any materials delivered to Customer hereunder and any invention, development, product, trade name, trademark, service mark or software program developed in connection with providing the Services or during the term of this Agreement.

6. CONFIDENTIAL INFORMATION

- (a) Information Supplied by Vendor. Customer acknowledges that the methods, techniques, programs, devices and operations of Vendor are of a confidential nature, and are valuable and unique assets of Vendor's business. During the term of this Agreement and following the expiration or termination thereof, Customer shall not disclose any such confidential information to any person or entity (other than to those employees and agents of Customer who participate directly in the performance of this Agreement and need access to such information). Upon termination of this Agreement, Customer shall deliver to Vendor all manuals, memorands and other papers, and all copies thereof, relating in any way to the Services or to Vendor. Customer acknowledges that it does not have nor can Customer acquire any right in or claim to such confidential information. Customer shall take all necessary steps, including having its employees and agents execute such documents as Vendor deams reasonably necessary, to cause them to comply with the terms of this Section 6(a). Evidence of such compliance shall be provided to Vendor. Customer acknowledges that the injury that would be sustained by Vendor as a result of the violation of this provision cannot be compensated solety by money damages, and therefore agrees that Vendor shall be shillied to injunctive relief and any other remedies as may be available at law or in equity in the event Customer or its employees or agents violate the provisions contained in this Section 8(a). The restrictions contained in this Section 6(a) shall not apply to any information which becomes a matter of public knowledge, other than through a violation of this Agreement or other agreements to which Vendor is a party.
- (b) Confidential Information Furnished by Customer. Vendor recognizes that in order to enable Vendor to provide the Services, Customer may disclose to Vendor certain confidential information concerning its accounts and customers. Vendor will not disclose any such confidential information other than to those employees and a gents who participate directly in the performance of this Agreement. Not limiting the generality of the foregoing or any obligation of Customer in this Agreement, Vendor for its part, and as may be required of Vendor by the Gramin, Leach, Bliley Act or by any applicable guidelines issued pursuant to such Act, will not intentionally or willfully disclose confidential and proprietary information, received from Customer in connection with providing the Services, to unrelated and unauthorized third parties, other than in the course of providing the Services or in the performance of the Agreement. Provided, however, Vendor may disclose information it receives as may be required or permitted by any federal, state or local ordinance, any regulation or directive or services or local ordinance, any regulation or directive only governmental agency, or any court order or legal process. Notwitistending anything herein to the contrary, Gustomer a cknowledges and a grees that Vendor and/or any of its affiliates may make public the execution of this Agreement by Customer and/or any of Customer's affiliates; and/or the Services which may be or have been provided under the Agreement. In accordance with Section 326 of the USA Patriot Act, Vendor is required to review and record information from the documents used in identifying Vendor's new account customers. This notice is to inform Customer of Vendor's procedures and Customer's responsibility under the Act.
- (c) Miscellaneous. Customer acknowledges that Vendor shall not be responsible for the accuracy or adequacy of any information provided by Customer or others to Vendor; nor shall Vendor be liable for any damage, loss or liability whatsoever resulting to Customer or its customers as a result of the inaccuracy or inadequacy of such information.

7. TERMINATION BY CUSTOMER

- (a) Correcting Defeals, in the event that any materials furnished by Vendor are inaccurate, incomplete, or incorrect, or in the event Vendor temporarily falls to provide the Services (collectively a "Defect"), Vendor may either correct the Defect, without charge to Customer, or effect an equitable reduction of the price paid or payable for the Services to which such Defect relates, provided that Vendor has received written notice of the Defect from Customer within 30 days from the date on which Customer became aware of, or should have become aware of, such Defect; provided, however, Vendor will not be liable to Customer for any Defect that should have been reported to Vendor pursuant to Section 10(d), or which Defect first occurred, whether or not discovered by Customer, more than 30 days prior to Vendor's receipt of notice of the Defect.
- (b) Substantial Nonperformance. In the event Customer reasonably believes that Vendor has substantially falled to provide the Services. Customer will give to Vendor a written notice specifically describing the nature of such fallure and the approximate date on which Vendor falled to so provide the Services. Upon receipt of such notice, Vendor shall have sold days to cure such fallure, unless such fallure cannot be reasonably cured within such period and in such case Vendor shall have such additional time as may be necessary to cure such fallure provided that Vendor is proceeding diligently to effect such cure. In the event Vendor falls to cure